

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.,
PETITIONER,

v.

VUSURA TECHNOLOGY LLC,
PATENT OWNER.

CASE IPR2026-00255
PATENT 11,227,303

PATENT OWNER'S PRELIMINARY RESPONSE
37 C.F.R. § 42.107

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CURRENT EXHIBIT LIST¹

No.	Brief Description
1001	U.S. Patent No. 11,227,303 (“’303 Patent”)
1002	Prosecution History of the ’303 Patent
1003	Declaration of Petitioner’s Expert Thomas F. La Porta, Ph.D.
1004	U.S. Patent Publication No. 2007/0173237 (“Roundtree”)
1005	WIPO International Publication No. WO 2006/130783
1006	U.S. Patent Publication No. 2007/0116227 A1
1007	Excerpts of J. Thorner, “Intelligent Networks,” Artech House, Inc. 1994
1008	Excerpts of L. Goleniewski, “Telecommunications Essentials,” Pearson Education, Inc., 2003
1009	June 2, 2026, Email from Petitioner’s Counsel to Patent Owner’s Counsel in the Litigation Containing the Sotera Plus Stipulation, the No Indefiniteness Stipulation, and Withdrawal of Indefiniteness Positions for the ’303 Patent.
1010	USPTO Patent Public Search – Advanced Search Overview, Quick Reference Guide, 2021
1011	Screenshots of Prior Art Searches Run Using the USPTO’s Patent Public Search Tool
1012	U.S. Patent Family Tree for U.S. Provisional Patent Application Ser. No. 61/167,105, generated using the PatBase tool.
1013	Comparison of specification (including claims) of U.S. Patent No. 8,577,000 (the “Parent ’000 Patent”) with specification (including claims) of U.S. Patent No. 8,977,242, generated using the Litera Compare tool.
1014	Printout of 11 Unique Hits (including EX1004 Roundtree) from Prior Art Search Run Using the USPTO’s Patent Public Search Tool at EX1011, 3.

¹ Relevant portions of Patent Owner’s exhibits may be highlighted to help the Panel locate cited sections.

No.	Brief Description
1015	Printout of 23 Unique Hits (including EX1004 Roundtree) from Prior Art Search Run Using the USPTO's Patent Public Search Tool at EX1011, 4.
1016	Printout of 42 Unique Hits (including EX1004 Roundtree and the Parent '000 Patent) from Prior Art Search Run Using the USPTO's Patent Public Search Tool at EX1011, 5-6.
1017	Printout of 19 Unique Hits (including EX1004 Roundtree) from Prior Art Search Run Using the USPTO's Patent Public Search Tool at EX1011, 7-8.
1018	Comparison of specification (including claims) of U.S. Patent No. 10,198,741 (the "'741 Patent") with specification (including claims) of U.S. Patent No. 11,227,303 ("the '303 Patent"), generated using the Litera Compare tool.
1019	Judge Gilstrap's (E.D. Texas) Calendar for July 12, 2027.
1020	Federal District Court Caseload Management Statistics – December 2025.
1021	Patent Owner's November 10, 2025, Disclosure of Asserted Claims and Preliminary Infringement Contentions Pursuant to P.R. 3-1, in Case No. 2:25-cv-00871-JRG, captioned as <i>Vusura Technology LLC v. Cisco Systems, Inc.</i> (E.D. Texas)
1022	Prosecution History of U.S. Patent No. 8,577,000 (the "Parent '000 Patent").
1023	Printout from Nevada Business Portal (showing Patent Owner's formation date as December 29, 2023).
1024	Inventor Assignment to Patent Owner, dated January 30, 2024, of Thirty Patent Properties (including the '303 Patent and the '741 Patent).
1025	Assignment from Alto Ventures, Inc. to Patent Owner, dated June 22, 2025, of U.S. Patent No. 7,418,092.

No.	Brief Description
1026	Comparison of specification (including claims) of U.S. Patent No. 7,418,092 (the “’092 Patent”) with specification (including claims) of U.S. Patent No. 11,227,303 (“the ’303 Patent”), generated using the Litera Compare tool.
1027	U.S. Patent Family Tree for U.S. Patent No. 7,418,092 (the “’092 Patent”), generated using the PatBase tool.
1028	Printout of PostNet webpages
1029	Cisco Webex Contact Center Service Offer Disclosure, accessible at https://trustportal.cisco.com/c/r/ctp/trust-portal.html?search_keyword=Webex%20Contact%20Center#/1552559092864152 .
1030	Patent Owner’s Exhibit C claim chart for the ’303 Patent, which accompanied its November 10, 2025 Infringement Contentions (EX1021).
1031	“Cisco Announces Agreement to Acquire BroadSoft, a Leader in Cloud Calling and Contact Center Solutions”, October 23, 2017, accessible at https://newsroom.cisco.com/c/r/newsroom/en/us/a/y2017/m10/cisco-announces-abcd.html .
1032	“Cisco Completes Acquisition of BroadSoft”, February 2, 2018, accessible at https://newsroom.cisco.com/c/r/newsroom/en/us/a/y2018/m02/cisco-completes-acquisition-of-BroadSoft.html .
1033	“Cisco Build America, Buy America (BABA) Certification for US BEAD Program”, accessible at https://www.cisco.com/c/en/us/solutions/service-provider/baba.html .
1034	“Cisco Supplier List”, accessible at https://www.cisco.com/c/dam/en_us/about/supply-chain/cisco-supplier-list.pdf .

No.	Brief Description
1035	“Flex Honored by Cisco with 2023 EMS Partner of the Year Award”, November 9, 2023, accessible at https://flextronics2022rd.q4web.com/news/news-details/2023/Flex-Honored-by-Cisco-with-2023-EMS-Partner-of-the-Year-Award/default.aspx .
1036	“Flex Further Boosts U.S. Manufacturing Capacity to Meet Growing Demand for Data Center Critical Power Solutions”, April 28, 2025, accessible at https://investors.flex.com/news/news-details/2025/Flex-Further-Boosts-U-S--Manufacturing-Capacity-to-Meet-Growing-Demand-for-Data-Center-Critical-Power-Solutions/default.aspx .
1037	Cisco’s Form 10-K for the fiscal year ending July 26, 2025
1038	Cisco Networking Academy Global Impact Infographic, accessible at https://www.cisco.com/c/en/us/about/csr/impact/education/networking-academy/global-impact-infographic.html .
2001	Application Data Sheet for ’303 Patent Ancestor (filed Apr. 8, 2025)
2002	U.S. Patent No. 10,198,741 to Wendell D . Brown (filed Apr. 1, 2016) (issued Feb. 5, 2019) (“’741 Patent”)
2003	U.S. Patent No. 7,418,092 (filed Mar. 8, 2004) (issued Aug. 26, 2008) (“’092 Patent”)
2004	Complaint, <i>Vusura Technology LLC v. Cisco Systems, Inc.</i> , Case No. 2:25-cv-00871 (E.D. Tex. filed Aug. 25, 2025) (Dkt. 1)
2005	Defendant Cisco Systems, Inc.’s Invalidity Contentions, <i>Vusura Technology LLC v. Cisco Systems, Inc.</i> , Case No. 2:25-cv-00871 (E.D. Tex. served Jan. 9, 2026)
2006	Complaint, <i>Alto Ventures, Inc. v. Convergys Corp.</i> , No. 2-11-cv-01056 (D.N.V. filed June 27, 2011) (Dkt. 1)
2007	First Amended Docket Control Order, <i>Vusura Technology LLC v. Cisco Systems, Inc.</i> , Case No. 2:25-cv-00871 (E.D. Tex. entered Jan. 2, 2026) (Dkt. 31)
2008	’741 Patent File History
2009	’303 Patent’s Parent, U.S. Patent No. 10,511,942, File History

No.	Brief Description
2010	'303 Patent's Grandparent, U.S. Patent No. 9,819,812, File History
2011	'303 Patent's Great-Great-Grandparent, U.S. Patent No. 8,804,930, File History
2012	Pause, American Heritage Dictionary, https://www.ahdictionary.com/word/search.html?q=pause (last visited May 7, 2026).
2013	'303 Patent's Parent, U.S. Patent No. 10,511,942

CLAIM LISTING²

	Limitation
1.0	1. A method of controlling presentation of content on a communication device, the method comprising:
1.1	upon receipt of notification of initiation of a communication connection from a first device associated with a first party to a second device associated with a second party:
1.2	pausing establishment of the communication connection without soliciting action by the first party; and during said pausing, transmitting selected content toward the first device and/or the second device; and
1.3	after one of the first party and the second party terminates the communication connection, transmitting additional content toward the first device and/or the second device;
1.4	wherein the selected content comprises information regarding a previous transaction between the first party and the second party; wherein the additional content comprises information regarding a new transaction conducted between the first party and the second party during the communication connection; and
1.5	wherein the first device and/or the second device display the additional content after receipt.
2.1	2. The method of claim 1, wherein pausing establishment of the communication connection comprises: transmitting to the first device a signal indicating that the communication connection should be paused;
2.2	wherein, in response to receipt of the signal, the first device initiates a delay in establishing the communication connection.
3.1	3. The method of claim 1, wherein: the communication connection is a call; and
3.2	pausing establishment of the communication connection comprises instructing the first device to delay completion of dialing of the call.
4.1	4. The method of claim 1, wherein pausing establishment of the communication connection comprises: transmitting to a call server associated with the first device a signal indicating that the communication connection should be paused;
4.2	wherein, in response to receipt of the signal, the call server initiates a delay in completing the establishment of the communication connection.

² Patent Owner uses Petitioner's numbering designation for consistency.

	Limitation
5.1	5. The method of claim 1, wherein: the communication connection is a call; and
5.2	pausing establishment of the communication connection comprises instructing a call server associated with the first device to delay signaling of the call toward the second device.
6	6. The method of claim 1, wherein the selected content is selected by the first party.
7	7. The method of claim 1, wherein the selected content is selected by the second party.
8	8. The method of claim 1, wherein the selected content is selected by a call controller operating in a path of communication between the first device and the second device.
9	9. The method of claim 1, wherein the selected content is displayed one or more of: during said pausing; after the communication connection is established; and after the communication connection is terminated.
10	10. The method of claim 1, wherein the selected content further comprises information regarding a prospective new transaction between the first party and the second party.
11	11. The method of claim 1, wherein the selected content further comprises content displayed on one or more of the first device and the second device at the time of initiation of the communication connection.
12	12. The method of claim 1, further comprising, during said pausing: transmitting to the first device a menu for routing the communication connection within an organization comprising the second party; wherein the first device displays the menu after receipt.
13.0	13. A non-transitory computer-readable medium storing instructions that, when executed by a processor, cause the processor to perform a method of controlling presentation of content on a communication device, the method comprising:
13.1	upon receipt of notification of initiation of a communication connection from a first device associated with a first party to a second device associated with a second party:
13.2	pausing establishment of the communication connection without soliciting action by the first party; and during said pausing, transmitting selected content toward the first device and/or the second device; and
13.3	after one of the first party and the second party terminates the communication connection, transmitting additional content toward the first device and/or the second device;

	Limitation
13.4	wherein the selected content comprises information regarding a previous transaction between the first party and the second party; wherein the additional content comprises information regarding a new transaction conducted between the first party and the second party during the communication connection; and
13.5	wherein the first device and/or the second device display the additional content after receipt.
14.0	14. Apparatus for controlling presentation of content on a communication device external to the apparatus, the apparatus comprising: one or more processors; and memory storing instructions that, when executed by the one or more processors, cause the apparatus to:
14.1	upon receipt of notification of initiation of a communication connection from a first device associated with a first party to a second device associated with a second party:
14.2	pause establishment of the communication connection without soliciting action by the first party; and during said pausing, transmit selected content toward the first device and/or the second device; and
14.3	after one of the first party and the second party terminates the communication connection, transmit additional content toward the first device and/or the second device;
14.4	wherein the selected content comprises information regarding a previous transaction between the first party and the second party;
14.5	wherein the additional content comprises information regarding a new transaction conducted between the first party and the second party during the communication connection; and
14.6	wherein the first device and/or the second device display the additional content after receipt.
15.1	15. The apparatus of claim 14 , wherein pausing establishment of the communication connection comprises: transmitting to the first device a signal indicating that the communication connection should be paused;
15.2	wherein, in response to receipt of the signal, the first device initiates a delay in establishing the communication connection.
16.1	16. The apparatus of claim 14 , wherein: the communication connection is a call; and
16.2	pausing establishment of the communication connection comprises instructing the first device to delay completion of dialing of the call.
17.1	17. The apparatus of claim 14 , wherein pausing establishment of the communication connection comprises: transmitting to a call server associated with the first device a signal indicating that the communication connection should be paused;

	Limitation
17.2	wherein, in response to receipt of the signal, the call server initiates a delay in completing the establishment of the communication connection.
18.1	18. The apparatus of claim 14 , wherein: the communication connection is a call; and
18.2	pausing establishment of the communication connection comprises instructing a call server associated with the first device to delay signaling of the call toward the second device.
19	19. The apparatus of claim 14 , wherein the selected content is selected by the first party.
20	20. The apparatus of claim 14 , wherein the selected content is selected by the second party.
21	21. The apparatus of claim 14 , wherein the selected content is selected by a call controller operating in a path of communication between the first device and the second device.
22	22. The apparatus of claim 14 , wherein the selected content is displayed one or more of: during said pausing; after the communication connection is established; and after the communication connection is terminated.
23	23. The apparatus of claim 14 , wherein the selected content further comprises information regarding a prospective new transaction between the first party and the second party.
24	24. The apparatus of claim 14 , wherein the selected content further comprises content displayed on one or more of the first device and the second device at the time of initiation of the communication connection.
25	25. The apparatus of claim 14 , wherein the method further stores instructions that, when executed by the one or more processors, further cause the apparatus to: transmit to the first device a menu for routing the communication connection within an organization comprising the second party; wherein the first device displays the menu after receipt.

I. INTRODUCTION

Cisco Systems, Inc. petitions for *inter partes* review of U.S. Patent No. 11,227,303 (“’303 Patent”), contending that claims 1–25 would have been obvious over a single reference, U.S. Patent Publication No. 2007/0173237 (“Roundtree”). But the Petition’s theory turns largely on the fact that Roundtree and the ’303 Patent use similar pizza-ordering and call-center examples. *See* Paper 2 (“Pet.”) 10–13, 26–32. Similar examples, however, do not establish obviousness.

Each challenged claim of the ’303 Patent requires “pausing establishment” of a communication connection and, “during said pausing,” transmitting selected content toward the first device and/or the second device. And as the ’303 Patent and the related prosecution histories confirm, “pausing” and “during said pausing” require an affirmative, discrete, and resumable hold on connection establishment—not ordinary routing time, parallel processing, or call redirection.

Yet, Roundtree only describes two materially different approaches: one in which a voice call is *intercepted, terminated, and rerouted* so the interaction is handled locally through scripts, and another in which the voice call proceeds to its destination *without pause*, while any possible “enhancement” is evaluated in parallel and untethered to the call setup timing. Indeed, as Petitioner admits, Roundtree never uses the words “pausing” or “delaying.” Pet. 34.

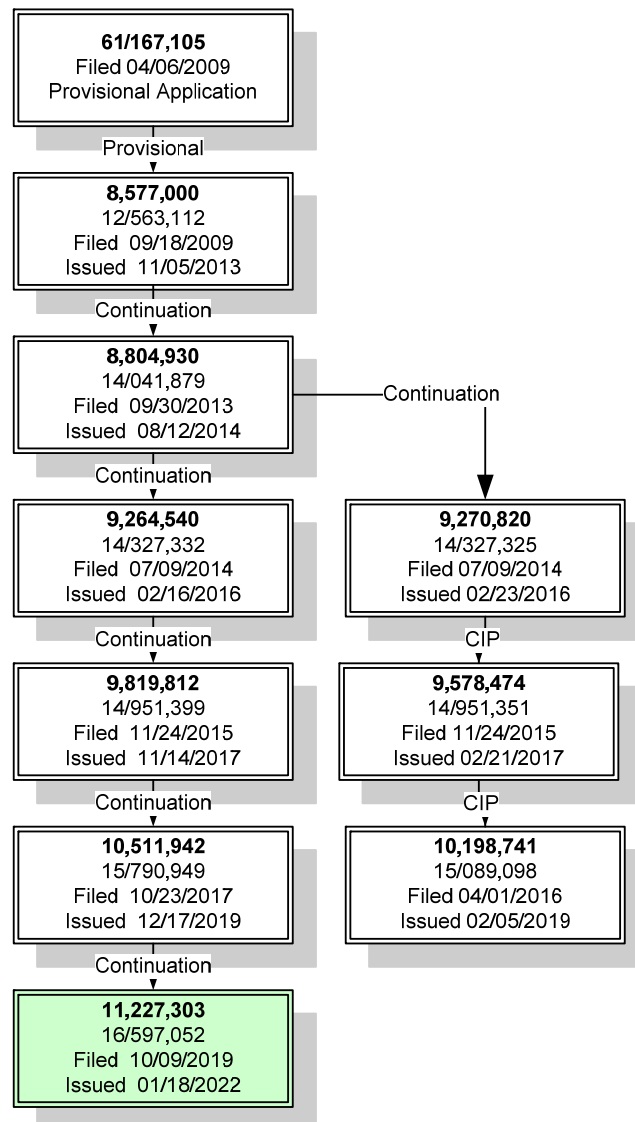
Given Roundtree’s conspicuous omission, as discussed further herein,

Petitioner has not shown a reasonable likelihood that any challenged claim is unpatentable.

II. OVERVIEW OF THE PATENT-AT-ISSUE

A. Family and Priority

The '303 Patent is part of the following family (shown in part):



As seen, the '303 Patent has a priority date of April 6, 2009 (“Effective Priority Date”) owing to its origin, through ancestor patents, to the Provisional Patent

No. 61/167,105. Ex. 1001 at (63) and (60). Petitioner uses the same Effective Priority Date. Pet. 15.

B. Subject Matter

The '303 Patent is titled “Method and Apparatus for Content Presentation in Association with a Telephone Call.” The invention addresses the issue that “calls from or to a mobile telephone are typically accompanied by minimal display content” and the patent provides specific methods and apparatus for “enriching the experience of a person making or receiving a call.” Ex. 1001, 1:35–36; 1:58–60.

The patent describes a communication environment where a caller telephone and a called party telephone each support “parallel data and voice channels.” *Id.* 4:1–7 & Fig. 1. “The data channels are routed via call server 130, and are used to convey content to the telephones and to convey other data to the call server as necessary.” *Id.* 4:14–19. The caller’s telephone runs a “call processor” that “comprises logic for detecting and/or controlling telephone events.” *Id.* 4:26–28.

The “call processor 114 may delay signaling of a voice call from caller telephone 110 to the caller’s telephone service provider, in order to delay establishment of the voice channel. The call processor may do this automatically or based on instructions from the call server.” *Id.* 4:17–42.

All three independent claims—Claim 1 (method), Claim 13 (computer-readable medium), and Claim 14 (apparatus)—share the same functional

requirements. Each claim requires:

1. Upon receipt of notification that a first party is initiating a communication connection to a second party, “pausing establishment of the communication connection without soliciting action by the first party,” and “during said pausing, transmitting selected content toward the first device and/or the second device.”
2. After one party terminates the connection: “transmitting additional content to one or both devices.”
3. The selected content must comprise “information regarding a previous transaction between the first party and the second party.”
4. The additional content must comprise “information regarding a new transaction conducted between the first party and the second party during the communication connection.”
5. “The first and/or second device [must] display the additional content after receipt.”

Some dependent claims put further requirements on the pausing. Claim 2/15 further requires transmitting to the first device a signal that the connection “should be paused,” after which “the first device initiates a delay in establishing the communication connection.” Claim 3/16 specifies that the “communication connection is a call” and require “instructing the first device to delay completion of dialing of the call.” Claim 4/17 requires transmitting a signal to a call server associated with the first device, and in response “the call server initiates a delay in completing the establishment of the communication connection.” Claim 5/18

specifies that the “communication connection is a call,” and require “instructing a call server associated with the first device to delay signaling of the call toward the second device.”

Other dependent claims further limit the content and its display. Claims 6/19, 7/20, and 8/21 specify the selected content is selected by “the first party,” “the second party,” and “a call controller operating in a path of communication between the first device and the second device,” respectively. Claim 9/22 specifies that the selected content is displayed during one of three distinct time periods: “during said pausing; after the communication connection is established; and after the communication connection is terminated.” Claim 10/23 requires the selected content to “further comprise[] information regarding a prospective new transaction between the first party and the second party.” Claim 11/24 requires the selected content is displayed at the first/second device “at the time of initiation of the communication connection.”

And, finally, Claim 11/25 requires further transmitting to the first device “during said pausing” “a menu for routing the communication connection within an organization comprising the second party; wherein the first device displays the menu after receipt.”

C. Related Relevant Prosecution Histories Regarding Limitations “Pausing Establishment of the Communication Connection” and “During Said Pausing”

This Preliminary Response focuses on the limitations “pausing establishment of the communication connection” and “during said pausing.” Given that “statement[s] made during prosecution of related patents may be properly considered in construing a term common to those patents, regardless of whether the statement pre- or post-dates the issuance of the particular patent at issue,” *Teva Pharms. USA, Inc. v. Sandoz, Inc.*, 789 F.3d 1335, 1343 (Fed. Cir. 2015) (citation omitted), Patent Owner now sets forth relevant related prosecution history events regarding these limitations.

1. It Was During Prosecution of the ’303 Patent’s Great-Great-Grandparent, U.S. Patent No. 8,804,930, that “Delaying” and Timing of “Transmission” Was Found to Be a Patentable Distinction

Initially, the Examiner in the ’303 Patent’s Great-Great-Grandparent, U.S. Patent No. 8,804,930 (“’930 Patent), found the “delay dialing the call” and “transmitting [of] content . . . before the call rings at the called party” limitations were patentable over the prior art. *See* Ex. 2011, at 23, 54, 119–20.

2. The ’303 Patent’s Parent, U.S. Patent No. 10,511,942, Teaches “Pausing” Is an Affirmative Act and a Call Connection Is No Longer “Paused” upon Re-Routing

Petitioner says that the word “pausing” or “pause” “were not included in the claims of [the ’303 Patent’s] parent application.” Pet. 34 (citing Ex. 1002 (the

'303 Patent's Prosecution History) at 184–89). This is incorrect. The Application for the '303 Patent's Parent, U.S. Patent No. 10,511,942 ("942 Patent"), was in fact filed and issued with "pausing" limitations. *See, e.g.*, filed claim 1:

What Is Claimed Is:

1. A method of presenting content on a communication device, the
2 method comprising:
at a first device, upon initiation of a call by a first party operating the first
4 device, transmitting to a call controller notification of the initiation of the call;
automatically pausing the call upon receipt of a signal from the call
6 controller;
while the call is paused, presenting to the first party pre-ring content
8 containing an actuatable control; and
redirecting the call in response to actuation of the control.

Ex. 2009 at 205 (highlighting added). And, as noted above, arguments that the patentee made during the '942 Patent's prosecution inform the understanding of "pausing" and "during said pausing" in the '303 Patent. *Teva*, 789 F.3d at 1343.

First, in response to a Non-Final Rejection and in a subsequent Appeal Brief during the '942 Patent's prosecution, the patentee argued that the cited prior art "does not appear to contemplate ***affirmatively*** pausing a call." *Id.* at 84, 123 (emphasis added). That is, the prosecution history teaches that the "pausing" is an action taken to affirmatively effectuate a pause.

Second, in response to another Non-Final Rejection over a different reference, the patentee explained that because "the play server is not involved and cannot

present the substitute tone code until after the call has been suspended and routed to a different destination[, t]he tone code is not presented to the calling party *while the call is paused.*” *Id.* 35–36 (emphasis in original). This exchange teaches that the claimed pause is different than a suspended and re-routed call, which make sense given a paused call can be “un-paused” and continued on its way to the original destination, unlike a re-routed call that is going to, or has reached, a new destination.

3. The '303 Patent's Grandparent, U.S. Patent No. 9,819,812, Teaches That “Pausing” Is Not Merely Time Taken to Route a Call, “During Said Pausing” Is a Discrete Period, and a Call Can No Longer Be “Paused” upon Reaching Its Destination

What Petitioner believed were “delay” claims from the '303 Patent's parent, Pet. 34, were actually from the '303 Patent's *grandparent*, U.S. Patent No. 9,819,812 (“'812 Patent”). *See* Ex. 1002 at 184. Regardless, what the '812 Patent prosecution history teaches regarding what it means to “delay,” is still instructive regarding “pausing” in the '303 Patent, given that the '303 Patent claims themselves note that “delay” is one type of pausing. *See, e.g.,* '303 Dependent Claim 16 (“[P]ausing establishment of the communication connection comprises instructing the first device to *delay*”) (emphasis added).

In this regard, the patentee argued that a prior art reference did not delay a call because “the presentation of the option to the callee to accept or to not accept a call does not amount to delaying the call, but rather simply indicates how it proceeds or terminates.” Ex. 2010 at 69. So, like the '942 Patent prosecution's teaching, the

'812 Patent prosecution consistently informs a POSITA that the time taken to choose the path of the call is not the claimed act of pausing/delaying of a call connection, but merely a normal routing stage.

Additionally, the patentee explained that the reference also did not meet the claim limitation because “the ‘call’ between a caller and a callee appears to exist when the caller computing system sends the call invitation structure to the callee computing system” so “the call already exists, and is therefore past the point of being ‘delayed.’” *Id.* While a plain reading of “during said pausing” indicates that this is a discrete period, the patentee’s argument confirms this understanding, and teaches that the period at least ends when the call is established. Therefore, the '303 Patent’s content transmission “during said pausing” analogously is not met by transmissions before a pause or after the communication connection is complete, and must occur *during* the pause.

4. '303 Patent’s Cousin, U.S. Patent No. 10,198,741, again Teaches That “Pausing” Is Not Merely a Secondary Effect from Performing Some Other Action

In another related patent,³ U.S. Patent No 10,198,741 (“’741 Patent”)—having limitations requiring “delaying routing of the call”—shows the patentee has

³ The '741 Patent has a still-enforceable common ancestor with the '303 Patent, '930 Patent. *Compare* Ex. 1001 at (63) *with* Ex. 2002 at (63). See also the '303 Patent family tree on page 2.

been consistent in his position. During the '741 Patent prosecution, the patentee differentiated the prior art that disclosed “actions [that] do not entail affirmatively delaying or pausing call routing,” because “any secondary effect that performing some other action (e.g., playing a greeting) may have upon the call establishment process is not equivalent to the express, automatic, and affirmative type of delay recited in Applicant’s claims.” Ex. 2008 at 61–62, 140. So, again, while other actions may secondarily take time, the contemplated delay/pause is performed to expressly and primarily “delay or pause.”

III. CLAIM CONSTRUCTION

The meaning of the following terms should be construed in light of the patentee’s discussion of the relevant and related prosecution histories as just discussed. *See Heuft Systemtechnik GmbH v. Indus. Dynamics Co.*, 282 Fed. App’x 836, 841 (Fed. Cir. 2008) (“[S]tatements from prosecution of a familial patent relating to the same subject matter as the claim language at issue in the patent being construed . . . are relevant in construing the claims at issue.”).

A. “pausing”/“pause” [1.2/13.2/14.2]

“Pausing” should be construed as “affirmative halting that allows resumption.” “Pause” should be construed as “affirmatively halt and allow resumption.”

With these definitions, Claim 1.2 would, for example, read: “[affirmative

halting that allows resumption] [of] establishment of the communication connection without soliciting action by the first party; and during said pausing, transmitting selected content toward the first device and/or the second device.”

This is correct, because, as established during prosecution, a pause necessarily allows for “un-pausing” or “resuming” the original establishment of the communication connection. Ex. 2009 at 35–36 (noting suspension and rerouting is not a pause); and Ex. 2010 at 69 (noting after the call is established it is “past the point of being [able to be] ‘delayed’”).

This requirement is also in accord with the specification that teaches “the caller may be able to terminate the delay and make the call proceed immediately,” Ex. 1001, 1:47–49, supporting that a delay—a type of pause, *see, e.g.*, ’303 Patent Dependent Claim 16—may be resumed so that the call can proceed to its destination. *See, also, id.* 17:13–16 & Fig. 9 (item 914) (noting ***after resumption*** “the voice channel of the call is routed normally (e.g., through the telephone network of the caller’s service provider), and a communication device of the called party rings.”) (emphasis added). That is, the paused call continues to the original destination after the pause ends.

This requirement is also in accord with the normal understanding of the term “pause” when describing such a “control mechanism” as might be found in a system, such as an audio player. *See, e.g.*, Ex. 2012, at noun meaning 3 (“A control

mechanism . . . that halts . . . and permits . . . easily resum[ing] from the same point.”); *see also id.* at verb (giving example of “paused the DVD with the remote.”). That is, in the same way that once a music player is “stopped” (analogous with terminating a call), a new song is played (analogous with rerouting), or the song completes (analogous with establishing the connection), the song is no longer “paused,” in that it cannot be resumed from where it was halted.

And as also explained by the patentee during related prosecutions, the contemplated “pausing” is an “express” and “affirmative” act meant to effectuate the pause and is “not equivalent” to “any secondary effect that performing some other action . . . may have upon the call establishment process” such as “playing a greeting” or “presentation of [a menu] option.” Ex. 2008 at 61–62, Ex. 2009 84, Ex. 2010 at 69.

This is in accordance with the specification that teaches that a pause is not merely the time it takes to route a call, but a deliberate hold on the voice connection. *See, e.g.*, Ex. 1001, 14:31–48 (“*[S]ignaling* of the call . . . may be automatically delayed . . . A default [signaling] period of delay may be increased or decreased based on . . . the time necessary to collect and present appropriate content, and . . . further, once the *data* connection is established with the call controller . . . , the calling device may be instructed to extend the delay or to reduce or eliminate any delay.”) (emphasis added) & Fig. 9 (item 906). This teaching reinforces that the

system takes affirmative action to hold the voice connection and that the express delay is different than the time it takes to implement logic or route connections.

To extend the audio analogy further, a song may have a period of silence, but this silence is part of the song, and silence does not mean the song is “paused”—it is still playing. Similarly, routing of a call will necessarily spend time gathering information and making decisions, but this is merely the normal establishment of the communication connection and is not “pausing establishment of the communication connection.”

B. “during said pausing” [1.2/13.2/14.2]

1. The Correct Definition of “During Said Pausing”

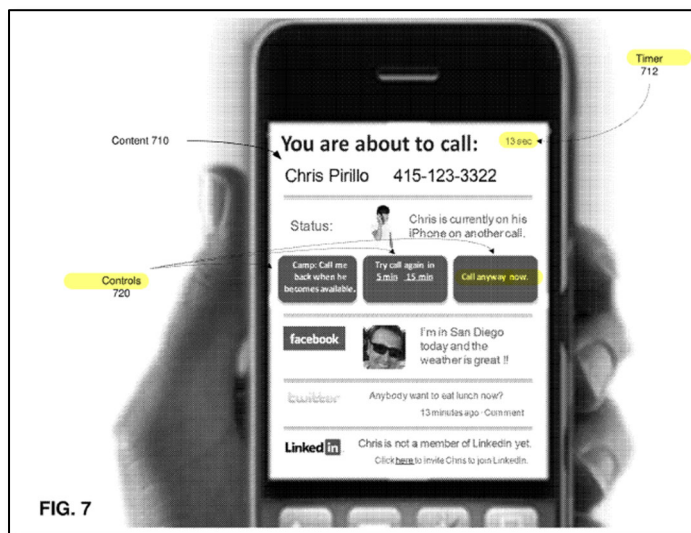
“During said pausing” should be construed as “from the beginning of said pause to when the pause is no longer resumable.”

With these definitions, Claim 1.2 would, for example, read: “pausing establishment of the communication connection without soliciting action by the first party; and [from the beginning of said pause to when the pause is no longer resumable], transmitting selected content toward the first device and/or the second device.”

This definition is correct because the related and relevant prosecution makes clear that the pausing period is finite and ends once the communication connection is no longer resumable. For instance, a connection can become no longer resumable

when the call is rerouted. Ex. 2009 at 35–36 (noting delay is no longer possible after call suspended and routed to a different destination). A communication connection can also become no longer pausable (hence also not resumable) when the communication connection is established. *See* Ex. 2010 at 69 (noting after the “call”—analogous to the ’303 Patent’s “communication connection”—exists it is “past the point of being ‘delayed’”).

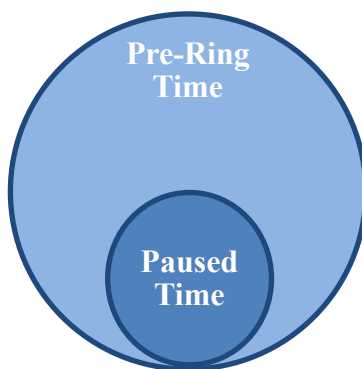
This is also in accordance with the specification’s teachings that “[a] default period of delay may be increased or decreased,” Ex. 1001, 14:41–41, which presupposes an identifiable pause window. Indeed, Figure 7 (shown below) and its accompanying description specifically depict a “timer 712 that indicates how soon the voice channel of the call will be connected or routed for connection,” *id.* 4:47–48, and that the user may cut the pause period short by pressing “call . . . now,” showing the pause’s identifiable duration with a clear start and end.



2. Petitioner's Incorrect Definition of "During Said Pausing"

Petitioner purports to put forth "no specific construction of any claim term," Pet. 15; however, such a position is belied by its description of the '303 Patent's claims. Specifically, Petitioner says that "the independent claims are limited to embodiments for presenting content to a caller and/or a called party *before 'a communication connection' is established*" in an attempt to define "during said pausing" as "pre-ring." Pet. 9 (emphasis added).

The Board should reject Petitioner's "pre-ring" construction. A "pausing establishment of the communication connection" does occur pre-ring, but a pause may occupy *only a portion* of a pre-ring period, and a pre-ring period may have *no such pause at all*. Such a relationship is illustrated below.



Indeed, the '303 Patent's parent has limitations that specifically claim "presenting to the first party *pre-ring* content," so the patentee knew how to use this term, but chose a different term here. *See, e.g.*, Ex. 2013 at Claim 1, 26:12–13; *see also Clare v. Chrysler Grp. LLC*, 819 F.3d 1323, 1330 (Fed. Cir. 2016) (applying the doctrine of claim differentiation across related patents). Because "during said

pausing” and “pre-ring” are not co-extensive, it would be incorrect to equate the two.

* * * * *

In summary, the '303 Patent covers a content-delivery system that affirmatively pauses a communication connection—automatically and without asking the caller—for a finite period, while targeted content, including information about prior transactions, is delivered to one or both parties. The “pause” is express, bounded, resumable, distinct from normal call routing, and only a possible sub-set of pre-ring time. “During said pausing” refers to that discrete window between when the communication connection is held and when it is no longer resumable. After a connection completes it is no longer “pausable” much less “resumable.”

IV. OVERVIEW OF THE ROUNDTREE REFERENCE

Roundtree is a published patent application titled “Method and System for Enhancing Voice Calls, Such as Enhancing Voice Calls with Data Services.” Ex. 1004 at (54). Roundtree’s “system may receive an indication of a voice call (such as a dialed number), intercept the voice call to determine if the dialed number is associated with data services, and provide the data services to a user.” *Id.* [0029].

Roundtree provides many embodiments and examples, but ultimately only describes two architectures for providing those data services: (1) “In some cases, the system may provide data services **during** an ongoing voice call,” *id.* (emphasis added); and (2) “In some cases, the system may intercept a voice call, determine that

the voice call is associated with data services, ***end the voice connection***, and proceed to a data connection,” *id.* (emphasis added) That is, if Rountree provides services, it does so either ***during*** the voice call or ***in lieu*** of the voice call.

The “in lieu of” method, where the call is intercepted, terminated, and replaced by a local script is shown in Figures 6A, 9, and 10. With Figure 6A, “[t]he mobile device 100 determines if the number dialed matches a number stored locally.” *Id.* [0051]. “If the number matches, then the mobile device locally intercepts the customer service support call at the mobile device and performs actions at the mobile device.” As shown in item 604, the voice call does not proceed to the called party.

Likewise, with Figure 9, “[i]f the system determines that the dialed number does not support data services, routine 900 proceeds to block 930, and the system completes the call as a normal voice call, ***else*** the routine proceeds to block 940.” *Id.* [0073] (emphasis added). Block 940 “execute[s] a script associated with this number, ***which contains a command to terminate the voice call.***” *Id.* Fig. 9 (item 940) (emphasis added). The system then displays content on the device.

Roundtree’s Figure 10 example of the “MADONA” dial string illustrates this “in lieu of” method: “Before a voice connection is made, the system launches a web browser corresponding to the dialed number,” and “[t]he system . . . provides content to a user ***without establishing a voice connection.***” *Id.* [0074] (emphasis added).

In short, when the mobile device intercepts and redirects a call in these embodiments, it cancels the original call and runs a local script or browser *instead*.

Roundtree illustrates the “during” method where the call completes immediately and any enhancement runs in parallel with Figure 7A. Once a user initiates a voice call, “the routine 700 proceeds to block 712 (for the voice connection aspect of the call) *and* to block 720 (for possible enhancements to the call).” *Id.* [0054] (emphasis added). Block 712 “completes, connects, or establishes the voice call” without any hold or delay. *Id.* That is, the enhancement determination runs in parallel, so, Roundtree teaches that the decision to enhance the call could happen at any time—“[b]efore, during, or after completion of the voice call, as in block 712, [where] the system, in block 720, decides if the voice call is to be enhanced.” *Id.* [0055].

The pizza ordering example implements this “during” method: “Once dialed, the user’s mobile device completes the voice call” and only “[a]fter completion of the voice call, the device determines that the dialed number supports enhanced data services, and initiates a request for content.” *Id.* [0067–68].

In short, with the “during” method the call *is never paused*; it proceeds to its destination without interruption.

V. LEVEL OF ORDINARY SKILL IN THE ART

Patent Owner generally agrees with Petitioner that a POSITA would have “at

least a bachelor's degree in electrical engineering, computer science, or a related field, and at least two . . . years of training or additional work experience in the area of telecommunications” and that “design experience could compensate for less formal education, and vice versa,” Pet. 16, but notes that a POSITA's experience would be specifically targeted to “presenting multimedia content to a caller and/or a called party.” See Ex. 1001, 1:30–32 (instructing that the relevant field is “telecommunications and computer systems” and “[m]ore particularly . . . presenting multimedia content to a caller and/or a called party.”). Still, Patent Owner does not believe the difference in the description of a POSITA would materially affect the analysis.

VI. ROUNDTREE FAILS TO RENDER ANY CLAIM OBVIOUS

Although Petitioner relies on a single prior art reference, Roundtree, Petitioner does not argue that Roundtree *anticipates* the '303 Patent under § 102. Instead, Petitioner argues only that Roundtree renders the '303 Patent *obvious* under § 103. Pet. 19. This is a tacit admission that Roundtree does not teach all the '303 Patent's limitations.

Yet, Petitioner does not explain what limitations are missing or why a POSITA would have modified or extended Roundtree's teachings to arrive at the missing limitations as required. *SIBIA Neurosciences, Inc. v. Cadus Pharm. Corp.*, 225 F.3d 1349, 1356 (Fed. Cir. 2000) (citations omitted) (“In appropriate

circumstances, a single prior art reference can render a claim obvious . . . However, there *must be a showing of a suggestion or motivation to modify the teachings of that reference to the claimed invention in order to support the obviousness conclusion.*”) (emphasis added). The Board should deny the Petition for missing this required production alone. *See In re Kotzab*, 217 F.3d 1365, 1371 (Fed. Cir. 2000) (finding a missing *prima facie* case of obviousness with single reference for no teaching of modification and motivation to modify).

In any case, Patent Owner has identified that Roundtree is entirely missing the “pausing” and “during said pausing” requirements found in limitations 1.2, 13.2, and 14.2:

[1.2/13.2/14.2] <u>paus[ing] establishment of the communication connection</u> without soliciting action by the first party; and <u>during said pausing</u>, transmit[ting] selected content toward the first device and/or the second device (emphasis added)

Indeed, all claims of the '303 Patent require “pausing establishment of the communication connection” and transmitting the selected content “during said pausing,” yet Petitioner concedes that Roundtree does not even use the words “‘pausing’ or ‘delaying.’” Pet. 34. Instead, Petitioner argues that “Roundtree

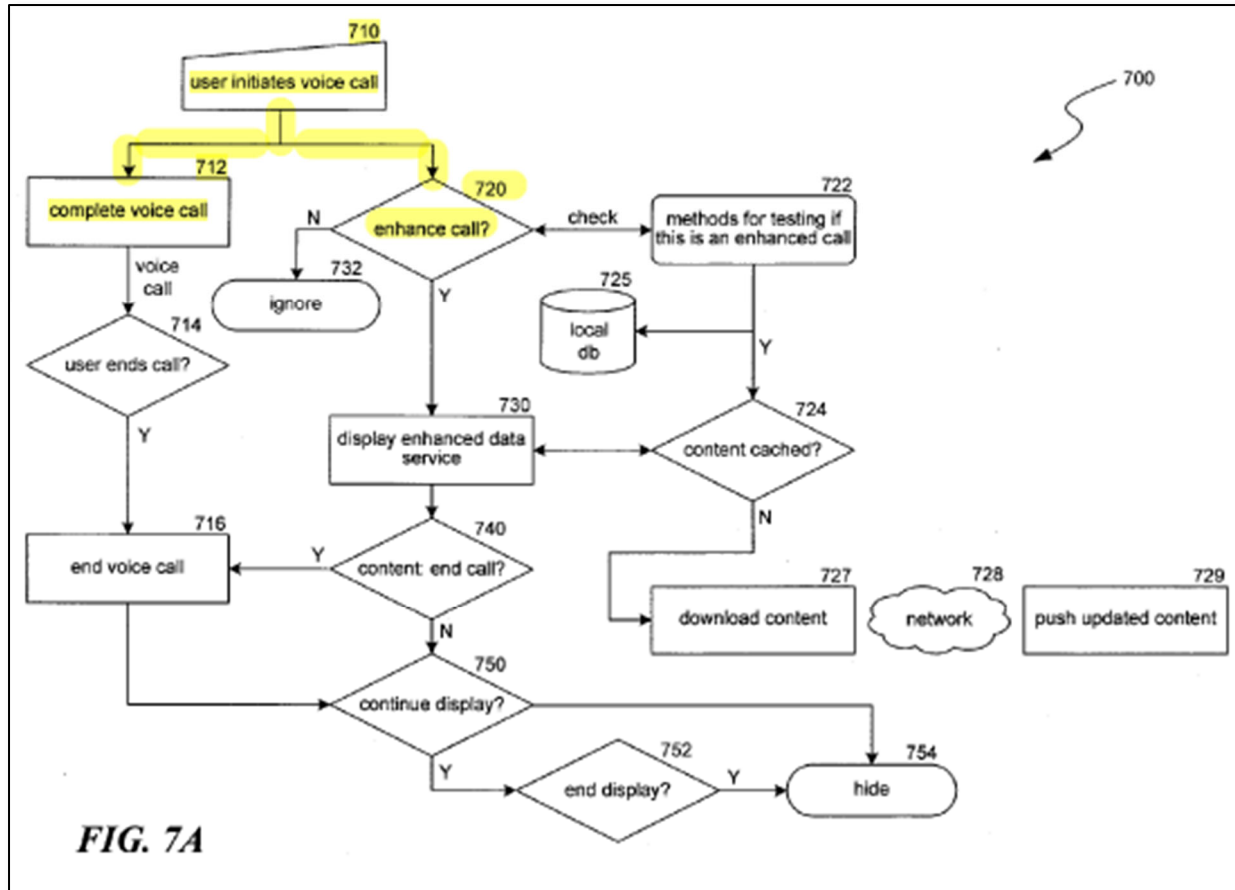
discloses the identical concept,” *id.*, but this is not correct.⁴

Petitioner first tries to equate Roundtree’s “intercepting” and “disclosure that before, during, or after completion of a voice call, it can determine if the voice call is to be enhanced” with the required limitation: “pausing establishment of the communication connection without soliciting action by the first party.” Pet. 34–35 (citing Ex. 1004 at [0050], [0054–55], [0073]). But a closer look shows that this is a false equivalency.

A. The Embodiment of Figure 7A Does Not “Pause Establishment of the Communication Connection ” or Transmit Content “During Said Pause”

Petitioner’s referenced language comes from paragraphs [0054–55] that is describing Figure 7A, “a flow diagram illustrating a routine 700 for *intercepting* voice calls and providing enhanced services.” Ex. 1004 [0054–55] (emphasis added). Figure 7A is reproduced as follows:

⁴ The Petition relies upon its expert, Dr. La Porta, for this section, *see* Pet. 34–41 (citing Ex. 1003 ¶¶107–17)), but the declaration adds nothing, and just parrots the Petition. Such a bare opinion tracking the petition’s language, that does not account for the patentee’s prosecution history distinctions, adopts the incorrect definition of “during said pausing” as “pre-ring,” and is needed to supply the otherwise missing “pausing” limitation is entitled to little or no weight. *See Xerox Corp. v. Bytemark, Inc.*, IPR2022-00624 (PTAB Aug. 24, 2022) (Paper 9) (precedential) (citing 37 C.F.R. § 42.65(a)).



Id. Fig. 7A (highlighting added). As seen, after the “user initiates [the] voice call” in 710, the processing proceeds *in parallel* to items 712 (“complete voice call”) and 720 (a determination whether to “enhance call”). Figure 7A, therefore, illustrates that there is *no pause* before “complet[ing] [the] voice call” in 712.

The description of the flow diagram confirms the parallel nature of the processing. Specifically, once the voice call is initiated in block 710, “the routine 700 proceeds to block 712 (for the voice connection aspect of the call) *and* to block 720 (for possible enhancements to the call).” *Id.* [0054] (emphasis added).

Moreover, the description elaborates that “[t]he system, in block 712, *completes, connects, or establishes* the voice call,” so there is no question that the voice call is established without regard to the enhancement path of 720. *Id.* (emphasis added).

Therefore, when Roundtree says “[b]efore, during, or after completion of the voice call, as in block 712, the system, in block 720, decides if the voice call is to be enhanced,” Roundtree is conveying that the timing of the enhancement determination is *not tied to the voice call’s—non-pausing—connection timing*.

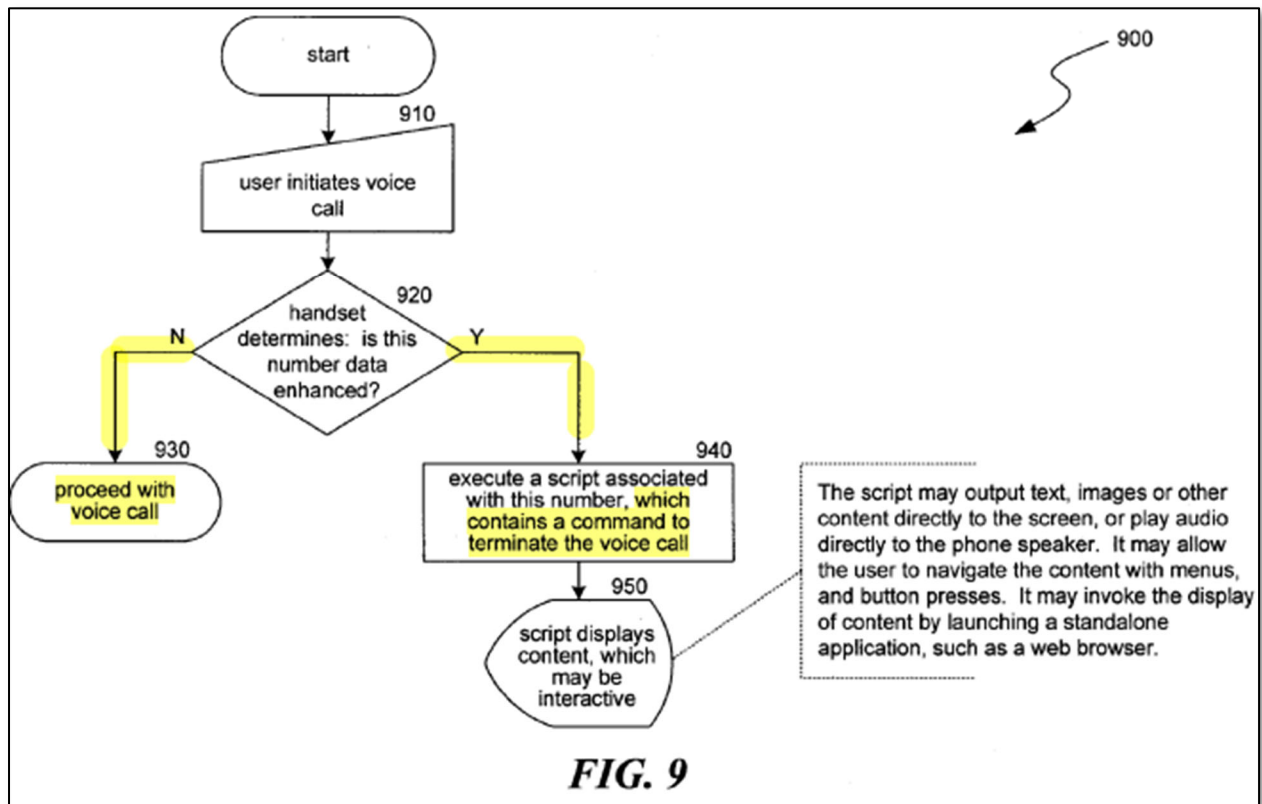
At bottom, Roundtree’s embodiment as shown in Figure 7A does not disclose any “pausing [of] establishment of the communication connection”—the pointed to voice call proceeds immediately to completion—much less “transmitting selected content toward the first device and/or the second device” “during said pausing.”

B. The Embodiment of Figure 9 Also Does Not “Pause Establishment of the Communication Connection ” or Transmit Content “During Said Pause”

Petitioner citation to paragraph 0073 fares no better. *See* Pet. 34. Here, Roundtree is describing a *different embodiment* shown in “FIG. 9, a flow diagram illustrating a routine 900 *for triggering data services* from initiated voice calls.” Ex. 1004 [0073] (emphasis added). And for the embodiment of Figure 9, Roundtree only says that “[b]efore, during or after completion of the voice call, the system, in decision block 920, attempts to determine if the dialed number *supports data services*.” *Id.* [0073] (emphasis added). But the timing of when a determination of whether a dialed number “supports data services” is irrelevant to the germane

inquiry, which is whether the claimed *selected content is transmitted “during said pausing.”*

Figure 9 (reproduced below) and Roundtree’s accompanying description make it clear that this embodiment also does not show transmission during pausing of establishment of the communication connection.



Id. Fig. 9 (highlighting added). As seen, unlike the embodiment of Figure 7a, this flow diagram illustrates that “[i]f the system determines that the dialed number does not support data services, routine 900 proceeds to block 930, and the system completes the call as a normal voice call, *else* the routine proceeds to block 940.” *Id.* [0073] (emphasis added). And block 940 explains that the

system will “execute a script . . . which contains a command to ***terminate the voice call***” that never proceeded because the system did not take path 930. *Id.* Fig. 9 (item 940) (emphasis added). So, the embodiment of Figure 9 will ***either*** make a normal voice call with no transmission ***or*** terminate the voice call altogether and then “display[] content, that may be interactive.” *Id.* (item 950).

But the time it took the mobile device to engage in the normal process of determining how to route the call is not an affirmative pausing of the establishment of a communication connection. *See* Ex. 2008 at 61–62, Ex. 2009 84 (noting normal routing processing time is not a claimed “pause”). And assuming it was for argument’s sake—it is not—once the call is intercepted and redirected to process local scripts instead, the pause is over, Ex. 2009 at 35–36 (noting suspension and rerouting ends a pause), so any transmission to the mobile device at this point is not “during said pause.” Therefore, Roundtree’s Figure 9 embodiment does not teach to transmit selected content ***during a pausing*** in the establishment of the communication connection.

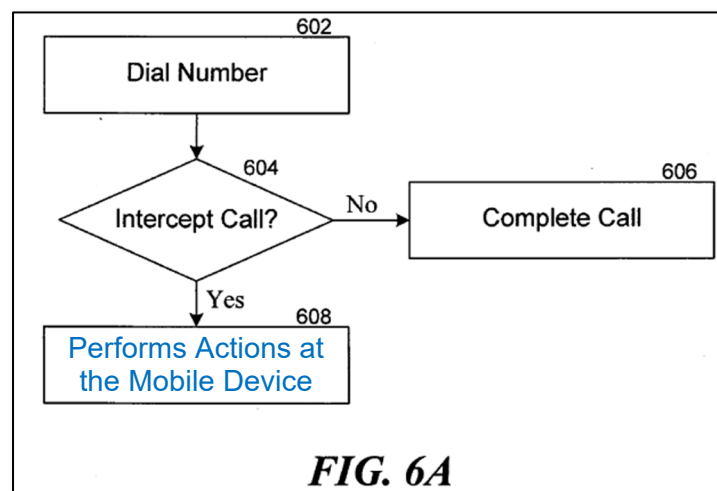
* * * * *

Indeed, Petitioner’s conclusion regarding the Embodiments of Figures 7A and 9, Pet. 35, illustrates how wide of the mark Petitioner’s analysis is. First, Petitioner says “Roundtree describes that the system ***determines*** whether the voice call is to be enhanced,” *id.* (emphasis added), but this is irrelevant, given the limitation does not

require a “**determination**,” it requires “**transmitting** selected content toward the first device and/or the second device.” Second, Petitioner says the determination “is during the time period after the system intercepts an initiated telephone call (e.g., phone number dialed) but before the voice connection is made,” but the claim further does not specify a determination during a “pre-ring” period. *See* Section III.B *supra*. Rather, the claims require a transmission “**during said pausing**,” so, this “pre-ring” assertion is doubly infirm.

C. The Embodiment of Figure 6A Also Does Not “Pause Establishment of the Communication Connection ” or Transmit Content “During Said Pause”

Petitioner’s analysis of Roundtree’s embodiment in Figure 6A suffers the same problems as its analysis of the embodiment of Figure 9. “FIG. 6A is a flow diagram illustrating a basic routine for **intercepting and redirecting** a customer service support call at the mobile device.” Ex. 1004 at [0010], [0050]. Figure 6A is reproduced here:



Id. Fig. 6A (Box 608 corrected as Petitioner agrees should be done, Pet. 36 n.1). As seen, like Figure 9, upon dialing a number like “611” the system will *either* make a normal voice call and will not “display locally stored content” *or* not make a voice call at all, and, instead, “perform[] actions at the mobile device.” *Id.* [0050].

So, Rountree’s embodiment of Figure 6A, like the embodiment for Figure 9, does not teach “pausing establishment” of the connection to the second device or transmission during said pausing. It teaches substituting a different local transaction entirely. *See* Section VI.B *supra*.

D. The Customer Service Example Also Does Not “Pause Establishment of the Communication Connection” or Transmit Content “During Said Pause”

Given the deficiencies of the first three embodiments, Petitioner alleges that a fourth “customer service call” example meets this limitation. Pet. 37–39. It does not.

The customer service description falls under the section “Identifying a Mobile Device Via a Called Number,” Ex. 1004 before [0077]. As the title suggests, the example merely explains how “[u]pon receipt of a call and appended unique identifier, the system is able to match the received unique identifier with a similar stored unique identifier and retrieve information about the mobile device.” *See, e.g., Id.* [0082].

Roundtree does not teach in this example that anyone pauses the establishment of the communication connection or that there is transmission of selected content during said pause. Instead, the best Petitioner can say is that the retrieval of information may occur “before a voice conversation occurs.” Pet. 39; *see also* Ex. 1004 at [0082] (“[A] representative at a customer service center [may] receive . . . information about the . . . a mobile device (and/or associated calling party) before a voice conversation occurs.”). But retrieval of information is not a “pause,” *see* Ex. 2008 at 61–62, Ex. 2009 84, Ex. 2010 at 69, and “pre-ring” is not “during said pause,” *see* Section III *supra*.

E. The Pizza Example Also Does Not “Pause Establishment of the Communication Connection ” or Transmit Content “During Said Pause”

Petitioner makes yet a fourth attempt to meet this limitation via Roundtree’s “pizza ordering” example illustrated in Figures 8A–8C. Pet. 39–41. However, what Roundtree actually teaches does not ameliorate the prior issues.

First, Roundtree explains that if “a user would like to order a pizza [she] inputs the number of [her] favorite pizza delivery establishment . . . [and] [o]nce dialed, *the user’s mobile device completes the voice call.*” Ex. 1004 [0067] (emphasis added); *see also id.* [0068] (“*After completion of the voice call*, the device determines that the dialed number supports enhanced data services, and initiates a request for content.”) (emphasis added) and [0074] (noting that once the script is executed it “may then end the voice call,” meaning the voice call completed before the script

ran). This makes sense, because the pizza ordering is just an “an example of an enhanced data call,” Ex. 1004 at [0067], and Roundtree explained that with its “enhanced voice calls,” shown in Figure 7A, the voice call completes immediately and without pause after the user dials as shown in item 712 and as explained above, *see* Section VI.A *supra*.

Given “the call already exists, [it] is therefore past the point of being ‘delayed,’” Ex. 2010 at 69; *see also* Section III *supra*, and the pizza example does not disclose a “pause [of] establishment of the communication connection” or transmission of selected content “during said pause.”

Aware of this issue, Petitioner further suggests mixing embodiments, and that the pizza example would be used with “the *architecture* described in FIG. 6A.” Pet. 40 (citing Ex. 1004 [0050]) (emphasis added). As an initial matter, in such a combination of different embodiments from a single reference, Petitioner must put forth a reasonably articulated motivation to combine and an explanation why there would be a reasonable chance of success. *In re Stepan Co.*, 868 F.3d 1342, 1346 n.1 (Fed. Cir. 2017); *accord Guardant Health, Inc. v. Univ. of Washington*, No. 2024-1129, 2026 WL 184334, at *6 (Fed. Cir. Jan. 23, 2026) (clarifying *Stepan* and noting it still holds for a “combination of multiple embodiments in a single reference”). Yet, Petitioner has not done this.

Petitioner merely says, “the system may use some or all of the enhanced

number lookup methods discussed in Roundtree.” Pet. 44–45 (citing Ex. 1004 [0068]). While this is true, Petitioner is ***not using*** an “enhanced number lookup method” (i.e., a method of determining whether a call supports enhancement) from the embodiment of Figure 6A. Rather, Petitioner is advocating using the method described ***with the pizza example*** where “Roundtree describes that the system may encode a token in the dialing string for the customer’s favorite pizza delivery establishment that indicates that the following dialed inputs are part of an enhanced data link identification, e.g., a dialed string such as 1-800-749-9263*669 may relate to retrieving enhanced content from URL http://www.18007499263*669.” Pet. 44 (citing Ex. 1004 at [0069], [0067]).

In fact, paragraph 0068 that Petitioner cites in support of combining different embodiments ***teaches away*** from applying the Figure 6A interception “architecture” to the pizza example, because Roundtree’s pizza example explicitly states that it is only “[a]fter completion of the voice call, the device determines that the dialed number supports enhanced data services, and initiates a request for content,” while as explained above the architecture of Figure 6A determines whether the dialed number supports enhanced data service ***before*** even making the call at decision point 608. *See* Section VI.C *supra*. So, combining the architecture of Figure 6A with the pizza example shown in Figure 8A–8C, is not simply using one Roundtree embodiment with another—it requires restructuring how Roundtree fundamentally

handles that call. And Petitioner has not met its burden to explain why a POSITA would do this, or how a POSITA would believe there was a reasonable chance of success in doing so. *In re Stepan Co.*, 868 F.3d at 1346 n.1

Ignoring that Roundtree teaches away from applying the Figure 6A interception architecture to the pizza example, even under Petitioner's combination "the calling customer's mobile device [would] intercept[] the telephone call to the pizza restaurant and, before a voice connection is made, launch[] a browser to the predetermined "http://www.18007499263*669" webpage via a data network connection," *id.* (citing Ex. 1004 [0069]).⁵ But, as already discussed, this is the case in Figure 6A where the phone terminates the call rather than pausing it, so there is never a pause. *See* Section VI.C *supra*. Therefore, even under Petitioner's incorrect "pre-ring" understanding, the launch of the browser to

⁵ While not important to this discussion, Petitioner's suggestion that the pizza website would display "the customer's previous orders for pizza from this restaurant to allow the caller to select a pizza to reorder," Pet. 40, is entirely made up. Figures 8A–8C show no such previous order option, only providing prospective options for size, toppings, payment, and confirmation, without using *any* historical transaction information. Ex. 1004 at Figs. 8A–8C. And the specification merely says the encoded token in the dialing string, such as "669" is only used for "enhanced data link identification." Ex. 1004 at [0069].

http://www.18007499263*669 is not “before any voice connection,” because *there is no* voice connection. Instead, the phone intercepts and redirects the mobile device to open a web browser. *Id.* Indeed, Roundtree also describes this token usage with the embodiment of Figure 10 “illustrating an example of providing data services *without a voice connection*,” and makes it clear that when used “[t]he system . . . provides content to a user *without establishing a voice connection*.” Ex. 1004 [0075] (emphasis added).

So, again, the normal process of identifying the encoded token in the dialing string used to determine that the dialed inputs are part of an enhanced data link is not an affirmative pausing of the establishment of a communication connection. *See* Ex. 2008 at 61–62, Ex. 2009 84. And once the call is intercepted, cancelled, and the web browser is directed to open www.18007499263*669.com, even if we assume *arguendo* there was a pause, the pause is over and any subsequent transmission is not “during said pause.” *See* Ex. 2009 at 35–36.

Therefore, even in Petitioner’s most elaborate scenario, Roundtree’s pizza example using Figure 6A’s interception architecture does not teach “pausing establishment of the communication connection” or transmission “during said pause.”

VII. CONCLUSION

The Petition does not establish a reasonable likelihood that Petitioner will

prevail on *any* challenged claim, because Roundtree does not disclose what the claims require: an express and affirmative pausing of the establishment of a communication connection, followed by transmission of selected content during that discrete resumable pause. Instead, Roundtree either permits the voice call to proceed *immediately* while any enhancement occurs on a separate, untethered path. Or Roundtree *intercepts and terminates* the call altogether and substitutes a different local transaction. Neither approach satisfies the claim language as informed by the specification and related prosecution histories.

Because Petitioner's theory depends on collapsing these materially different concepts into the claimed "pausing" and "during said pausing" limitations—and for one theory based upon an unsupported amalgamation of disparate embodiments—it falls well short of Petitioner's burden. The Board should therefore deny institution of *inter partes* review as to all challenged claims of the '303 Patent.

Dated: June 5, 2026

Respectfully submitted,

/Joshua S. Wyde/

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CERTIFICATE OF WORD COUNT

Per § 42.24(a)–(b), the undersigned certifies that the number of words in the paper, PATENT OWNER’S PRELIMINARY RESPONSE, is:

6,905

The word count does not include the table of contents, table of authorities, certificate of service, word count, exhibits list, or claim listing.

To arrive at this count, the undersigned has relied upon the word count feature of the word-processing system used to prepare the paper.

Dated: June 5, 2026

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CERTIFICATE OF SERVICE

The undersigned certifies that on the fifth day of June, 2026, a complete and entire copy of the foregoing “PATENT OWNER’S PRELIMINARY RESPONSE,” including exhibits, if any, was served on the date below on the following counsel of record via email per Petitioner’s consent to electronic service. *See* Paper 2 at 69:

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